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SERVICE DATE - DECEMBER 14, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 571X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN SAGINAW COUNTY, MI

Decided: December 13, 2000

By decision served June 18, 1999, CSX Transportation, Inc. (CSXT), was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 2.29-mile portion of its line in Saginaw County, MI. The exemption was scheduled to become effective on July 18, 1999, unless a formal offer of financial assistance (OFA) was filed by June 28, 1999.

On June 28, 1999, Mid-Michigan Railroad, Inc. (MMRR), filed an OFA to purchase the line. In a decision served July 2, 1999, MMRR was found to be financially responsible and the effective date of the decision authorizing abandonment was postponed. By decision served July 21, 1999, MMRR was authorized to acquire the line and the petition for exemption was dismissed, effective on the date the sale was consummated.

In the June 18, 1999 decision, the Board stated that, if consummation had not been effected by CSXT's filing of a notice of consummation by June 18, 2000, the authority to abandon would automatically expire. On June 15 and August 28, 2000, CSXT filed requests to extend for an additional 90 days the time to consummate the abandonment. According to the railroad, the parties were in the process of finalizing the sale documents, but such documents would not be completed by the scheduled deadline for consummation.<sup>1</sup> By decisions served June 23 and September 13, 2000, CSXT's requests were granted, and the consummation date was extended to September 16 and December 15, 2000, respectively.

On December 11, 2000, CSXT filed a third request to extend the time to consummate the abandonment. CSXT states that the parties have not been able to finalize the transaction within the specified time extensions and requests another extension until March 31, 2001, in order to allow the parties more time to finalize the transaction.

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<sup>1</sup> CSXT sought extensions of the deadline to consummate abandonment in the event that the sale to MMRR fell through.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. The request is supported by a reasonable justification. The request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority for the above-described line is granted.
2. The authority to abandon the line must be exercised on or before March 31, 2001.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary